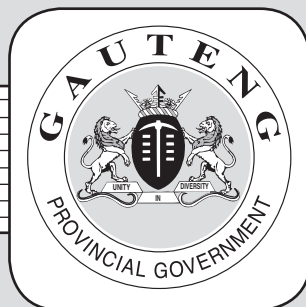


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take note!

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- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.



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PROCLAMATION • PROKLAMASIE

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PROCLAMATION • PROKLAMASIE

PROCLAMATION 8 OF 2016**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 3167T**

It is hereby notified in terms of the provisions of section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the City of Tshwane has approved an amendment scheme with regard to the land in the township of Kirkney Extension 38, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the SED: Group Legal Services, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 3167T.

(13/2/Kirkney x38 (3167T))
February 2016

(Notice 207/2016)

SED: GROUP LEGAL SERVICES —

PROKLAMASIE 8 VAN 2016**TSHWANE WYSIGINGSKEMA 3167T**

Hierby word ingevolge die bepalings van artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane 'n wysigingskema met betrekking tot die grond in die dorp Kirkney Uitbreiding 38, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Hoofregsadviseur, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Tshwane wysigingskema 3167T.

(13/2/Kirkney x38 (3167T))
Februarie 2016

(Kennisgewing 207/2016)

HOOFREGSADVISEUR —

CITY OF TSHWANE**DECLARATION OF KIRKNEY EXTENSION 38 AS APPROVED TOWNSHIP**

In terms of section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the City of Tshwane hereby declares the township of Kirkney Extension 38 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Kirkney x38 (3167T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY KIRKNEY SECURITISATION (PTY) LTD, UNDER THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 315 OF THE FARM ZANDFONTEIN 317JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Kirkney Extension 38.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 4318/2014.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township, to the satisfaction of the local authority. If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

1.4 GAUTENG PROVINCIAL GOVERNMENT CONDITIONS

- (a) Should the development of the township not been commenced with before 25 May 2014 the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/ authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
- (b)(i) Should the development of the township not been completed before 19 February 2020, the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.
- (ii) If however, before the expiry date mentioned in (i) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).
- (iii) The township owner shall, before or during development of the township, erect a physical barrier (a 2,3m brick wall) which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, No CPD/KIRKNEY X 38/7. The erection of such physical barrier and the maintenance thereof, shall be done to the satisfaction of the said Department as well as the Department of Health and Social Development of the Municipality.

- (iv) The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 19 February 2010.

1.5 CONDITIONS IMPOSED BY THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Agriculture and Rural Development including those by which exemption has been granted from compliance with regulations No 1182 and 1183 promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 2 ABOVE

1.6 ACCESS

1.6.1 Access to or egress from the township shall be provided to the satisfaction of the local authority and the Department of Public Transport, Roads and Works.

1.6.2 No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved layout plan of the township No CPD/KIRKNEY X38/7.

1.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all storm water running off or being diverted from the roads shall be received and disposed of, to the satisfaction of the local authority.

1.8 REFUSE REMOVAL

1.8.1 The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required to do so by the City of Tshwane Metropolitan Municipality.

1.8.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

1.9 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner. For purposes of removal or replacement the township owner shall, at its own costs, protect the services by means of the registration of servitudes in favour of the City of Tshwane, should it be deemed necessary.

1.10 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings/structures situated within the building line reserves, side spaces, or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority or where buildings/structures are dilapidated.

1.11 NOTARIAL TIE OF ERVEN

The township owner shall, at its own costs, after proclamation of the township but prior to the development of any erf/unit in the township, notarially tie the following erven to the satisfaction of the local authority:

- (a) Erf 2988 with Erf 2989;
- (b) Erf 2986 with Erf 2987;
- (c) Erf 2984 with Erf 2985;
- (d) Erf 2982 with Erf 2983;
- (e) Erf 3146 with Erf 3147;
- (f) Erf 3148 with Erf 3149;
- (g) Erf 3150 with Erf 3151; and
- (h) Erf 3258 with Erf 3259.

1.12 ERVEN FOR MUNICIPAL PURPOSES

Erven 3258 and 3259 shall, prior to or simultaneously with registration of transfer of the first erf (or unit) in the township and at the cost of the township owner, be transferred to the City of Tshwane Metropolitan Municipality for municipal purposes (Public Open Space).

1.13 OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

1.13.1 The township owner shall, at its own costs and to the satisfaction of the local authority, remove all refuse, building rubble and/or other materials from Erf 309, prior to the transfer of the erf in the name of the City of Tshwane Metropolitan Municipality;

1.13.2 The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been provided and installed;

1.13.3 The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of electricity, water and sanitary services as well as the construction of roads and storm water drainage and the installation of systems therefor, as previously agreed upon between the township owner and the local authority. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of engineering services by the township owner, have been submitted or paid to the said local authority; and

1.13.4 Notwithstanding the provisions of Clause 3 hereunder, the township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in (c) above. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser neither shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions and servitudes, if any.

A. Excluding the following which do not affect the township due to its locality:

(a) Portion 64

Condition (b) – The said Portion 64 (a portion of portion 17) shall be entitled to the right of way as indicated on the General Plan of the said Western portion of the said farm filed in the Deeds Office Pretoria;

(b) Portion 130

Condition B – Die genoemde gedeelte 77 van die plaas (n gedeelte waarvan hierby getranspoteer word) is geregtig op n reg van weg soos aangegee op die Algemene Plan van die Westelike Gedeelte van die plaas geliaseer in die aktekantoor Pretoria;

(c) Portion 132

Condition B- Die genoemde gedeelte 77 van die plaas (waarvan die gedeelte hierby getranspoteer 'n deel uitmaak) is geregtig op 'n reg van weg soos aangegee op die Algemene Plan van die Westelike Gedeelte van die plaas geliaseer in die aktekantoor Pretoria.

B. Excluding the following which do affect the township but shall not be made applicable to the individual erven in the township:

(a) Portion 64

Condition (a) – This portion or any part thereof may not be used sold leased or disposed of for any other purpose than for agricultural or residential use;

(b) Portion 130

Condition A – Genoemde Gedeelte 77 van die plaas Zandfontein 317 ('n gedeelte waarvan hierby getranspoteer word) is spesiaal onderhewig aan die volgende voorwaardes:-

(a) This property or any part thereof may not be used sold leased or disposed of for any other purpose than for agricultural or residential use.

(b) Notwithstanding the restriction mentioned under paragraph (a) aforementioned the Transferee shall have the right to manufacture bricks, tiles and earthenware from material obtained from and present on the property and to sell on the property the articles so manufactured.

Condition D – Die genoemde Gedeelte 77 van die gesegde plaas (n gedeelte waarvan hierby getranspoteer word) is onderhewig aan die reg om elektrisiteit daaroor te vervoer en n reg van weg en ander bykomende regte ten gunste van die Stadsraad van Pretoria soos meer ten volle sal blyk uit Notariele Serwituutakte 430/1951-S geregistreer op 25 Mei 1951.

(c) Portion 132

Condition A – Die genoemde Gedeelte 77 van die plaas Zandfontein 317 (waarvan die eiendom hierby getranspoteer 'n deel uitmaak) is spesiaal onderhewig aan die volgende voorwaardes:-

(a) This property or any part thereof may not be used sold leased or disposed of for any other purpose than for agricultural or residential use.

(b) Notwithstanding the restriction mentioned under paragraph (a) aforementioned the Transferee shall have the right to manufacture bricks, tiles and earthenware from material obtained from and present on the property and to sell on the property the articles so manufactured.

Condition C – Die genoemde Gedeelte 77 van die plaas ZANDFONTEIN 317 (waarvan die gedeelte hierby getranspoteer n deel uitmaak) is onderhewig aan die reg om elektrisiteit daarvoor te vervoer en n reg van wet en ander bykomende regte ten gunste van die Stadsraad van Pretoria soos meer ten volle sal blyk uit Notariele Serwituutakte 430/1951-S, geregistreer op 35 Mei 1951.

- C. Including the following which do affect the township and shall be made applicable to the individual erven in the township:

- (a) Portion 130:

Condition E (Page 6) – Die bogenoemde eiendom is onderhewig aan n serwituut van deurgangsreg 30.48 meter wyd vir elektrisiteit gelyding tesame met bykomende regte ten gunste van die Stadsraad van Pretoria soos meer ten volle sal blyk uit Notariele Akte 790/1967 geregistreer op 8 Junie 1967 en 15 Junie 1967 en geregistreer op 28 Junie 1967 which affect Erven 2958 – 2980, 2983, 2984,2987, 2988, 3160 as well as Verreyne Avenue,

- (d) Portion 132

Condition E (page 9) - DIE eiendomme hierby getranspoteer is onderhewig aan die reg om elektrisiteit oor die eiendomme te vervoer tesame met bykomende regte ten gunste van die Stadraad van Pretoria soos meer ten volle sal blyk uit Notariele Akte 938/1967 met kaart daaraan geheg geregistreer op die 31ste dag van Julie 1967; which affect Erven 2985, 2986,2989 - 2993 and Hornsnek Road.

3. CONDITIONS OF TITLE

- A. Conditions of Title imposed in favour of the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986)

3.1 ALL ERVEN (EXCEPT ERVEN 3258 AND 3259)

- 3.1.1 Each erf is subject to a servitude, 2 m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2 m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
- 3.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2 m thereof.
- 3.1.3 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

3.2 ERVEN 2958, 3160, 3161 and 3207

The erf shall be subject to a servitude (3m wide) for stormwater purposes in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

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